

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA                   §  
   §  
VS.   § CRIMINAL ACTION NO. H-12-581-04  
   §  
RUBEN AVILA; aka BLING; aka POLLA §

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:


- (1) There is a serious risk that the defendant will not appear; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant meets the probable cause standard, based upon the Grand Jury's return of an indictment. The findings and conclusions contained in the Pretrial Services Report, paragraphs one through five, along with the addendum, are adopted as the court's own. The defendant is charged in a major alien transporting and drug conspiracy. He is a member of a street gang in Houston, and has ties to Mexico and to the Mexican Mafia. The facts of the case involve intimidation and forcing aliens to carry drugs in lieu of payment for illegal passage into the United States. The defendant is a poor bond risk.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent

practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 24th day of October, 2012.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE